



## Senate

General Assembly

**File No. 564**

*January Session, 2007*

Substitute Senate Bill No. 1258

*Senate, April 24, 2007*

The Committee on Finance, Revenue and Bonding reported through SEN. DAILY of the 33rd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING UNDERGROUND STORAGE TANKS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. (NEW) (*Effective October 1, 2007*) An owner of an  
2      underground storage tank system may store any records pertaining to  
3      such underground storage tank system in a central location in the state  
4      that enables such records to be transmitted to the Department of  
5      Environmental Protection not later than twenty-four hours after a  
6      request for such records or the next business day, whichever is earlier.

7      Sec. 2. Section 22a-449m of the general statutes is repealed and the  
8      following is substituted in lieu thereof (*Effective October 1, 2007*):

9      (a) Any remediation of contaminated soil or groundwater the cost of  
10     which is to be paid out of the subaccount established under subsection  
11     (b) of section 22a-449c shall be performed by or under the direct onsite  
12     supervision of a registered contractor, as defined in sections 22a-449l  
13     and 22a-449n and shall be performed in accordance with regulations

14 adopted by the commissioner pursuant to section 22a-133k that  
 15 establish direct exposure criteria for soil, pollutant mobility criteria for  
 16 soil and groundwater protection criteria for GA and GAA areas. If the  
 17 replacement of any such residential underground heating oil storage  
 18 tank system performed pursuant to the provisions of this section  
 19 involves installation of an underground petroleum storage tank, such  
 20 tank shall conform to any standards which apply to new underground  
 21 petroleum storage tanks.

22 (b) The commissioner shall adopt regulations in accordance with the  
 23 provisions of chapter 54 setting forth the standards and criteria for  
 24 residential underground heating oil storage tank systems which may  
 25 include, but not be limited to, (1) standards for criteria for the design,  
 26 installation, operation, maintenance and monitoring of such facilities,  
 27 (2) the life expectancy after which such systems must be removed and  
 28 replaced, (3) procedures for the removal of all pipes connected to a  
 29 residential underground storage tank, regardless of such tank's  
 30 capacity, when such tank is to be removed, and [(3)] (4) standards and  
 31 procedures for the granting of a waiver for the installation of a new  
 32 residential underground heating oil storage tank system or the  
 33 replacement of an existing system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2007	New section
Sec. 2	October 1, 2007	22a-449m

**ENV***Joint Favorable C/R*

FIN

**FIN***Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Department of Environmental Protection	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill would allow for the offsite storage of UST records resulting in increases in the time needed for inspections per year. The number of entities that would take advantage of this provision is unknown at this time but to the extent that it is numerous, it could result in the need for an additional Department of Environmental Protection (DEP) analyst.

The bill also adds to the standards and criteria for residential underground storage tank systems that the DEP can include in its regulations. Since the inclusion of the additional criteria and standards are discretionary, it is anticipated that the regulations would be undertaken when resources permit.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sSB 1258*****AN ACT CONCERNING UNDERGROUND STORAGE TANKS.*****SUMMARY:**

This bill gives owners (but not operators) of commercial underground storage tank (UST) systems more time to provide their UST records to the Department of Environmental Protection (DEP). It allows them to store the records in a central state location as long as they can provide them to DEP within 24 hours after DEP requests them or the next business day, whichever is sooner.

DEP regulations now require UST owners and operators to store these records (1) on-site or (2) at a readily available alternative site if (a) they have the commissioner's written approval, or (b) the records are more than five years old. In either case, the regulations require the records to be immediately available for DEP inspection. UST owners and operators must maintain the records for at least five years beyond the UST's operational life (Conn. Agency Regs. § 22a-449(d)-103(e) (4)).

The bill allows DEP to include, in regulations establishing standards and criteria for residential USTs, procedures for removing all pipes connected to residential USTs scheduled for removal, regardless of the tank's capacity.

EFFECTIVE DATE: October 1, 2007

**BACKGROUND*****UST Record Keeping***

By regulation, owners and operators of UST systems must maintain records of the operation of corrosion protection equipment, system repairs, compliance with release detection requirements, and other

information. They also must maintain up-to-date records of significant construction or installation, monitoring, substantial modifications, and other activities.

### **Federal Underground Storage Tank Program**

In 1984, Congress amended Subtitle I of the Resource Conservation and Recovery Act (42 USC 6901 *et seq.*) requiring the Environmental Protection Agency (EPA) to develop regulations to protect human health and the environment from damage caused by USTs. EPA developed regulations designed to prevent leaks and to locate and correct leaking systems. The regulations also require states to develop UST programs at least as strict as EPA's (40 CFR 281.11). DEP adopted regulations in 1985, which EPA approved in 1988. Federal regulations require UST owners and operators to keep records (a) on-site and immediately available for inspection or (b) at a readily available alternative site, to be provided for inspection upon request (40 CFR 280.34).

### **COMMITTEE ACTION**

#### Environment Committee

Joint Favorable Change of Reference

Yea    30    Nay   0    (03/23/2007)

#### Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea    51    Nay   0    (04/10/2007)